

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
APRIL 22, 2015**

Meeting called to Order by Chairman Novellino at 7:30 p.m.

Reading of Adequate Notice by Vice-Chairman Barthelmes. Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present - Barthelmes, Lambros, Morelli, Novellino, Bailey,  
Late: Frost (7:45) Absent: Conoscenti, Mostyn and Ferro

**MEETING MINUTES:** Approval of Minutes: March 25, 2015

The eligible members have reviewed the minutes and requested changes were made, Mr. Lambros made a Motion to approve and Mr. Bailey offered a Second. Roll Call Vote: Lambros, Bailey, Novellino voted yes to approve the March 25, 2015 Meeting Minutes.

**RESOLUTION:**

**Z15-03 RIVIERE, Paul, Sr.** - Block 9, Lot 9.01. Located at 720 Perrineville Road, consisting of one (1) acre in the RU-P zone. Applicant received variance relief to construct a single-family dwelling and pole barn on the property in Resolution Memorialized on 4-23-14. Lot is undersized for the Zone. Applicant returned to the Board on March 25, 2015 seeking an extension of time. No noticing required. A six-month extension was granted.

The Board had reviewed the prepared Resolution. Mr. Lambros made a Motion to memorialize the Resolution and Mr. Bailey offered a Second. Roll Call Vote: Lambros, Bailey and Novellino voted yes to the memorialization.

**CARRIED APPLICATION:**

**Z15-01 RAIO, Charles** - Block 35, Lot 3.33 located at 31 Cheryl Lane consisting of 4.75 acres in the R-170 Zoning District. Applicant seeks to construct a detached Morton Pole Barn, 45 ft. x 30 ft. where 900 s.f. is permitted for an accessory structure, the building will be 1,320 s.f. Applicant further seeks a variance for height where 16 feet is permitted, 19 feet is requested. Deemed Complete: 2-11-15 Date of Action: 6-11-15. Carried from 3-25-15 without any further noticing.

The Board Secretary announced that both Mr. Barthelmes and Mr. Morelli had viewed the videotaped meeting, reviewed the exhibits, signed the proper certification and are eligible to continue with this application and vote on same.

In continuing the Raio application heard in part last month, Chairman Novellino provided to the Board that the applicant has done his research and invested time selecting materials and colors for a pole barn. He stated that the main reason the applicant is before the Board is that the structure does not quite have the dimensions the applicant would like to have. Chairman Novellino had driven by the Mr. Raio's property and offered that his antique cars and trailer would look better inside of a garage. He asked the Board to start to think about that scenario as a baseline.

Chairman Novellino discussed approaching the application from the view of what could be without an approval from the Board. He felt that the larger structure would allow there would be more room inside the structure for the applicant. The proposed building is higher than what the applicant is permitted under the ordinance. The additional height would provide the installation of a lift for the applicant to work on his cars.

Chairman Novellino suggested that the board focus the discussions on coming up with a proposal that is better for the applicant and residents. The resident could get a larger structure than the ordinance permits to better accommodate his needs and the residents would get improved visual aesthetics in return.

7:45 p.m. Mr. Frost arrives.

Mr. Lambros stated that while he did not drive by the site, he suggested that a smaller building could be less obtrusive than a 1,300 s.f. building. He stated that the Board has no guarantee that someone will not have more equipment stored outside of the building such as trailers and vehicles. He feels aesthetics are important.

The Board wants to work toward something that will look better which could be unlikely if they did not have input.

The Ordinance allows a building to go up to 20 feet in height if the architectural standards match the house.

Attorney Vella advised the applicants that they are still under oath.

Attorney Vella marked into evidence:

Exhibit A-10 , color rendering of the proposed garage.

Exhibit A-11 - Color photos (13) of the property from different angles.

Mr. Raio had a rendering prepared from Morton Pole Barn builders of the new proposed building. The new building will match the existing home. Mr. Raio explained the photos.

The garage doors are to be of a colonial style to match the current garage doors on the existing home. To peak, the height is approximately 19 feet.

The applicant advised that he will put faux river rock on the building to match the river rock that is on his existing home front facade. The garage hardware will match the existing home's garage. Engineer Shafai confirmed that the cupola is exempt from inclusion in the height calculation and is treated as you would a chimney that is higher than the principal building.

Planner Heyer feels the proposed new structure is consistent with color orientations of the house, the decorative stone qualifies as compatible with the house.

The vertical siding of the pole barn was discussed. The house siding is horizontal and building is vertical. The structure of the building is vertical. Planner Heyer referring to the ordinance stated that the aesthetics do not have to match exactly. The end bay of the house matches, the colors are identical, the roof pitch is not identical but he stated that the ordinance does not require an identical match rather it that requires compatibility and Mr. Heyer felt that it addresses that. It was discussed that the height variance is not needed as a result of the building being architecturally consistent.

Planner Fred Heyer stated that from the street, a person would look at right angles and that would look the same as a 900 square foot building. Planner Heyer stated that the whole façade is not all garage doors. He offered that the architecture detailing would not be on the 900 s.f. building, which could be substantially less attractive if it were all garage doors. The 900 s.f. building would not have the extra door with the window. He offered that those elements make the building look more attractive than a plain building.

Mr. Morelli stated that the angle of the building lends itself to the screening.

Mr. Lambros stated planting screening in woodlands does not make a difference. The applicant will advised he would screen with evergreens.

Mr. Barthelmes asked if a 900 s.f. accessory structure could be built on any lot in Millstone and was advised by the professionals that it could be per ordinance.

Mr. Lambros stated that the building is parallel to the home, which is problematic. He offered that if the building were constructed in the back yard that would be different.

The Board discussed landscaping in the proper places may help to screen the building. Mr. Barthelmes felt that the added architectural elements to the building makes the structure look nice.

Board Attorney Vella asked about the location of the garage. The Board wanted to discuss impervious coverage. The applicant will extend existing asphalt driveway to the new building garage doors. The garage from the end of the asphalt is 30 feet or less from the existing asphalt. Engineer Shafai stated that they have proposed dry wells to take care of storm water.

The applicant wanted to push the pole barn back toward the property line back by the trees.

Planner Heyer and Engineer Shafai stated that the applicant proposes a setback of 45 feet from the side yard where he could actually go as close as 30 feet.

The Board discussed whether a partially obscured larger building is less offensive than a 900 s.f. building that is not screened.

Mr. Frost asked Attorney Vella for clarification regarding the Board's request for a provision of landscape screening and a maintenance plan for same. Attorney Vella stated that the Board can require that the applicant provide a landscaping plan that engineer approves and that the applicant maintains. Attorney Vella stated that the best plan is to have the applicant provide a landscape plan to be approved by our professionals. This will be approved and installed prior to applicant receiving a certificate of occupancy.

Chairman Novellino asked the Board if the building size was acceptable, assuming the Board requires a visual buffer to provide partial screening from the structure. Screening from the street and both sides is desirable. Chairman Novellino offered that the building is to match the house as much as you can with a steel building. The Board wanted to see buffering along the backside of the building. Planner Heyer felt that buffering to the backside of the building would suffice.

The Board discussed the building layout. The building would be constructed parallel to the main house. The applicant stated this layout would prevent people from peering inside of the garage. The Board discussed buffering along the backside of the building since the front facade will look more like the existing building, planting of additional landscaping in the front. Proper buffering will help hide the backside of the building.

Chairman Novellino opened the application to the public at 8:30 p.m.

Attorney Vella swore in Rose Oxley, 28 Cheryl Lane. Ms. Oxley lives slightly around the corner across the street. Her concern that the building is steel and looks commercial. She stated that this neighborhood is a residential development. She is worried about the steel building not aging well. She is concerned about future neighbors maintaining the building.

Mr. Raio stated that he chose the building because the steel building is guaranteed against storms, earthquakes, etc. It is guaranteed for 20 years from rust. They had gutter guards to be installed. Mr. Raio stated that his building will have a steel roof, which will last longer, and the paint is guaranteed not to fade.

Ms. Oxley is concerned that it will not age well. Her concern is the steel building and feels that it takes away from the value of their homes.

Changes to the Master Plan are not the jurisdiction this Board. The Board of Adjustment has to consider the ordinance in place at the time that an applicant appears before them. Engineer Shafai advised that the Township is considering changing some of the ordinances and that will be at a public hearing.

Attorney Vella swore in Vito Muscaritolo, 30 Cheryl Lane. Mr. Muscaritolo advised that he lives directly across the street from the applicant. He stated that he would rather see a building that was larger, landscaped, and architecturally pleasing. He offered that he would rather have a building that blends in with the main house than a plain building.

Chairman Novellino seeing no further open public comment on the application, closed the public portion of the application at 8:52 p.m.

Chairman Novellino offered that the building will look good initially. Another owner can move in and not maintain the building and property. If we grant the variance, we can require that they provide buffering and landscaping that must be maintained. He offered that the larger building would provide more utilization for the applicant and would look better visually because of the additional landscaping that would be required.

Mr. Morelli stated that it is important that a building will be constructed that the Board had input on. He reiterated how critical the screening is and the location of the screening from the neighbors.

Mr. Lambros stated that a woodland area is a difficult place to plant screening. He offered that the applicant has a larger lot and there are other places to move the building rather than the suggested location.

Mr. Raio advised that they did consider other options. The area around the pond is muddy and during snow season, it would be difficult to get the snowplow and blower out trying to push over grass. He has the drain from the pond located there and a drainage easement is located on the side of the property. He reported to the Board his problems in selecting a location for the site of the garage.

An approval would be subject to a landscape plan that effectively, partially screens the building. Attorney Vella advised that the Board's professionals will not design a plan for the applicant. He would have to hire someone to design a plan that our professionals

would review. The landscape plan would be subject to approval of the engineer, planner, and landscape architect. Plant material should survive in shading and provide an effective screen in the winter. Attorney Vella stated that this is the applicant's job and obligation.

Attorney Vella read the conditions of approval, should the Board vote positively for this application including but not limited to:

Subject to a landscape plan that substantially screens the pole barn that is approved by the Board Engineer and Planner, prior to obtaining a building permit, the applicant must provide the Board's professionals with a plan that that effectively partially screens the building, no letting of the garage to third party persons for their use, all outside lights to shine down with no spillover to the neighbors, asphalt extension of the driveway shall have no variances granted for lot coverage, applicant shall provide asphalt and grading plan subject to approval by the Board Engineer, no issuance of a certificate of occupancy until this condition is satisfied, as per exhibit A-10, garage doors to be carriage-style doors, the color of the building shall match the existing home, the plans shall be revised to reflect the installation of the drywells for gutter runoff subject to the approval of the Board Engineer.

Mr. Frost made a Motion to approve the application as conditioned and Mr. Barthelmes offered a Second. Roll Call Vote: Frost, Barthelmes, Morelli, Bailey and Novellino vote yes to approve the application. Mr. Lambros voted no.

**NEW BUSINESS:** Board Secretary D'Andrea announced that one of the two official Board newspapers, the Messenger Press, has gone out of business. The Board presently utilizes the Asbury Park Press. The Township also utilizes the Times of Trenton. Attorney Vella advised that they do not need to select another paper and can stay with the Asbury Park Press. A pole vote was taken and the Board wished to continue to use the Asbury Park Press only since they felt the Press was more widely read in the community.

Seeing no further business, Mr. Morelli made a Motion to adjourn, Mr. Frost offered a Second and by unanimous vote, the Board adjourned at 9:35 p.m.

Respectfully submitted,

Pamela D'Andrea